

REMARKS

Claims 1-3 and 5-18 are pending herein. By this Amendment, the specification and Claims 1-2, 7-8, 10, and 12-14 are amended, and new Claims 16-18 are added.

Support for the claim amendments and new claims is found in the specification at, *inter alia*, paragraphs [0027]-[0028], [0048], [0054]-[0055], [0060] (the paragraphs correspond to patent application publication 2005/0171472 A1); in the original claims; and in FIG. 3. No new matter is added by this Amendment.

I. EXAMINER INTERVIEW

Applicant thanks Examiner Mehta for the courtesies extended to his representative during June 5, 2007 the personal interview.

A. Formal Matters

At the interview, Applicant's representative first discussed the formal matters, indicating that the specification is amended to provide proper antecedent basis for all the claims. In particular, it was noted that support for the claim language "completely surrounded by said dilation unit" is found in the original claims (e.g., canceled Claim 4) and that support for "outside the perfusion catheter" is found in FIG. 3 for example.

B. DoBrava et al. and Boussignac et al.

Applicant's representative asserted that DoBrava et al. (U.S. Patent No. 7,189,250) does not teach or suggest at least one passage completely surrounded by a dilation unit. The Examiner agreed, but stated that Boussignac et al. (U.S. Patent No. 5,000,734) may be pertinent with respect to conduits 8 passing through bag element 5.

As discussed at the interview and further confirmed upon a close reading of this patent, the conduits 8 of Boussignac et al. are **open** in an inflated state of the bag element. **See** col. 2, lines 10-11; col. 2, lines 64-68; FIG. 2; and FIG. 4. In contrast, according to the present invention, the at least one passage is **sealed fluid-tight**

without the provision of an auxiliary catheter when the dilation unit disposed on the proximal side is in an inflated state. Boussignac et al. does not teach or suggest this feature of the claimed device.

C. Sluice Mechanism

As discussed at the interview, Claim 1 is amended to further clarify the claimed "sluice mechanism". In particular Claim 1 is amended to recite (1) that the dilation unit disposed on the proximal side comprises an elastic, inflatable material; and (2) that the elastic, inflatable material seals said at least one passage fluid-tight without the provision of an auxiliary catheter when the dilation unit disposed on the proximal side is in an inflated state. Support for this claim amendment is found, for example, in paragraph [0055] and in the Figures. Claim 14 is similarly amended and, as discussed at the interview, has support in paragraphs [0061]-[0068].

II. FORMAL MATTERS

The specification was objected to as assertedly failing to provide antecedent basis for "said at least one passage projects through said dilation unit and is completely surrounded by said dilation unit" as recited in Claim 1.

Applicants respectfully note that exact terms need not be used *in haec verba* to satisfy formality requirements. See 37 CFR 1.121(e) which merely requires **substantial** correspondence (not identical correspondence) between the language of the claims and the language of the specification. The specification and figures provide proper antecedent basis for the present claims. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 1-3 and 5-13 were objected to for various informalities. Claims 1-2 and 7-8 are amended for clarity. Reconsideration and withdrawal of the objection are respectfully requested.

III. REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 1-3 and 7-11 were rejected under 35 U.S.C. 103(a) as unpatentable over St. Goar et al. (U.S. Patent No. 6,090,096) in view of DoBrava et al. (U.S. Patent No. 7,189,250). This rejection is respectfully traversed.

As acknowledged by the Examiner, St. Goar et al. does not teach or suggest that "the dilation unit on the proximal side is provided with at least one passage outside of the perfusion catheter that projects through the dilation unit and is completely surrounded by the dilation unit." (Office Action at page 4).

DoBrava et al. does not overcome the deficiencies of St. Goar et al. DoBrava et al. discloses a device for extracting core material contained in plaque deposits inside a blood vessel (Abstract). Catheter 10 includes elongated shaft 12. Catheter 10 includes a plurality of collection lumens "around balloon 20" (col. 3, lines 9-11). Thus, lumens 26 are clearly outside of balloon 20. Further, as shown in the Figures, balloon wall 22 defines "an outer extent of balloon 20" and does not encompass or surround lumens 26 in any respect.

DoBrava et al. does not teach or suggest at least one passage PROJECTING THROUGH the dilation unit disposed on the proximal side and COMPLETELY SURROUNDED by the dilation unit disposed on the proximal side. Thus, it would not have been obvious for one of ordinary skill in the art to make the claimed devices or practice the claimed methods in view of the combined teachings of St. Goar et al. and DoBrava et al. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over St. Goar et al. in view of DoBrava et al. and further in view of Valley et al. (U.S. Patent No. 5,814,016). This rejection is respectfully traversed.

Valley et al. does not overcome the deficiencies of St. Goar et al. and DoBrava et al. Valley et al. does not teach or suggest at least one passage projecting through the dilation unit disposed on the proximal side and COMPLETELY SURROUNDED by the dilation unit disposed on the proximal side. Thus, it would not have been obvious for one of ordinary skill in the art to make the claimed devices or practice the claimed

methods in view of the combined teachings of St. Goar et al., DoBrava et al., and Valley et al. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over St. Goar et al. and DoBrava et al. and further in view of Kong (U.S. Patent Application Publication 2002/0120234). This rejection is respectfully traversed.

Kong does not overcome the deficiencies of St. Goar et al. and DoBrava et al. Kong does not teach or suggest at least one passage projecting through the dilation unit disposed on the proximal side and COMPLETELY SURROUNDED by the dilation unit disposed on the proximal side. Thus, it would not have been obvious for one of ordinary skill in the art to make the claimed devices or practice the claimed methods in view of the combined teachings of St. Goar et al., DoBrava et al., and Kong. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over St. Goar et al., DoBrava et al., Kong and further in view of Wang et al. (U.S. Patent No. 5,195,969). This rejection is respectfully traversed.

Wang et al. does not overcome the deficiencies of St. Goar et al., DoBrava et al., and Kong. Wang et al. does not teach or suggest at least one passage projecting through the dilation unit disposed on the proximal side and COMPLETELY SURROUNDED by the dilation unit disposed on the proximal side. Thus, it would not have been obvious for one of ordinary skill in the art to make the claimed devices or practice the claimed methods in view of the combined teachings of St. Goar et al., DoBrava et al., Kong, and Wang et al. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over St. Goar et al. in view of Boyd et al. (U.S. Patent No. 5,738,652). This rejection is respectfully traversed.

St. Goar et al. and Boyd do not teach or suggest at least one passage projecting through the dilation unit disposed on the proximal side and COMPLETELY SURROUNDED by the dilation unit disposed on the proximal side. Thus, it would not have been obvious for one of ordinary skill in the art to make the claimed devices or

practice the claimed methods in view of the combined teachings of St. Goar et al. and Boyd. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Warren A. Zitlau/

Warren A. Zitlau, Esq.
Registration No. 39,085

CAHN & SAMUELS, LLP
2000 P Street, NW – Suite 200
Washington, DC 20036
Telephone: (202) 331-8777
Facsimile: (202) 331-3838

Date: June 20, 2007